

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAVIER ALCALA,

Plaintiff(s),

v.

MONSANTO COMPANY,

Defendant(s).

No. C 08-4828 PJH

**ORDER RE ADMINISTRATIVE
MOTION TO EXTEND DISCOVERY
CUTOFF**

Before the court is plaintiff's motion to extend the deadlines for the close of discovery, expert disclosures, and the close of expert discovery, filed on January 31, 2014. Plaintiff requests that the court extend, by 90 days, the deadlines for the close of discovery, the disclosure of experts, the close of expert discovery, and the filing of dispositive motions. Plaintiff argues that "defendant has failed to respond to" his timely discovery requests, and that defendant maintains that it is "still in the process of identifying documents."

Defendant filed an opposition to plaintiff's motion on February 10, 2014, arguing that plaintiff has failed to show good cause for the requested extension, and that he has had "ample time" to conduct fact discovery.

Overall, it appears that plaintiff does not need additional time to request discovery, as he argues that defendant has "failed to respond" to requests that have already been made. Notably, defendant does not state whether it intends to produce more documents before the close of discovery on February 14, 2014, or whether it believes that it has already produced all responsive documents. If, after the February 14 deadline passes, plaintiff still believes that defendant has not produced all responsive documents, he may file a motion to compel under Federal Rule of Civil Procedure 37 and Civil Local Rule 37. Under Civil Local Rule 37-3, plaintiff has "7 days after the discovery cutoff" (i.e., until

1 **February 21, 2014)** to file a motion to compel. If the court finds that defendant has indeed
2 failed to produce responsive documents before the close of discovery, then the court will
3 consider extending the deadlines for expert disclosures and the close of expert discovery.
4 Thus, while plaintiff's motion is DENIED, and the February 14, 2014 deadline shall stay in
5 place, plaintiff may still seek extensions of the later deadlines if he prevails on a motion to
6 compel against defendant.

7 **IT IS SO ORDERED.**

8 Dated: February 11, 2014

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11 PHYLLIS J. HAMILTON
12 United States District Judge
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